

## Federal Operating Permit Article 3

This permit is based upon Federal Clean Air Act acid rain permitting requirements of Title IV, federal operating permit requirements of Title V, and Chapter 80, Article 3 and Chapter 140 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, 9 VAC 5-80-360 through 9 VAC 5-80-700, and 9 VAC 5-140-10 through 9 VAC 5-140-3880 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Tenaska Virginia Partners, L.P.
Facility Name:	Tenaska Virginia Generating Station
Facility Location:	State Route 761, 2.5 miles northeast of Antioch, Fluvanna County, Virginia
Registration Number:	40995

<u>Permit Number</u>	<u>Effective Date</u>	<u>Expiration Date</u>
VRO40995	January 1, 2008	December 31, 2012

Minor Modification Date:	April 7, 2008
Administrative Amendment Date:	May 15, 2008
Administrative Amendment Date:	June 12, 2008

Larry M. Simmons for  
Regional Director

June 9, 2008  
Signature Date

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## **I. Facility Information**

### **Permittee Information**

Tenaska Virginia Partners, L.P.  
1044 North 115<sup>th</sup> Street, Suite 400  
Omaha, NE, 68154

### **Responsible Official**

Mr. Todd S. Jonas, Vice President

### **Acid Rain Designated Representative**

Mr. Todd S. Jonas, Vice President

### **NO<sub>x</sub> Budget Trading Authorized Account Representative (AAR)**

Mr. Todd S. Jonas, Vice President  
EPA AAR ID Number: 798

### **Clean Air Interstate Rule (CAIR) Designated Representative**

Mr. Todd S. Jonas, Vice President  
EPA ID Number: 798

### **Facility**

Tenaska Virginia Generating Station  
State Route 761, 2.5 miles northeast of Antioch  
Fluvanna County, Virginia

### **Contact Person**

Chris Jacobsen  
Environmental Specialist  
(402) 691-9598

**Plant Identification Number:** 51-065-0021

**ORIS Code:** 55439

**NATS Facility Identification Numbers:** 055439CTGDB1, 055439CTGDB2 and 055439CTGDB3

**Facility Description:** NAISC Code 221112 (Electric Power Generation) – The facility is an independent electrical power producer located in Fluvanna County, Virginia.

## II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Fuel Burning Equipment</b>							
EU001	SN001	GE Frame 7FA - Combustion Turbine (CT) and Heat Recovery Steam Generator (HRSG) Natural Gas / Distillate Fuel Oil (2003)	CT - 1,858 MMBtu/hr (Natural Gas) CT - 2,020 MMBtu/hr (Distillate Fuel Oil) HRSG - 550 MMBtu/hr (Natural Gas)	Selective Catalytic Reduction	SCR1	NO <sub>x</sub>	02/13/2003 Permit as amended 01/30/2006
EU002	SN002	GE Frame 7FA - Combustion Turbine (CT) and Heat Recovery Steam Generator (HRSG) Natural Gas / Distillate Fuel Oil (2003)	CT - 1,858 MMBtu/hr (Natural Gas) CT - 2,020 MMBtu/hr (Distillate Fuel Oil) HRSG - 550 MMBtu/hr (Natural Gas)	Selective Catalytic Reduction	SCR2	NO <sub>x</sub>	02/13/2003 Permit as amended 01/30/2006
EU003	SN003	GE Frame 7FA - Combustion Turbine (CT) and Heat Recovery Steam Generator (HRSG) Natural Gas / Distillate Fuel Oil (2003)	CT - 1,858 MMBtu/hr (Natural Gas) CT - 2,020 MMBtu/hr (Distillate Fuel Oil) HRSG - 550 MMBtu/hr (Natural Gas)	Selective Catalytic Reduction	SCR3	NO <sub>x</sub>	02/13/2003 Permit as amended 01/30/2006

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
EU011	SN011	Emergency Fire Water Pump (2003)	2.8 MMBtu/hr (Distillate Fuel Oil)	-	-	-	02/13/2003 Permit as amended 01/30/2006
<b>Process Equipment</b>							
EU013	SN013	Cooling Tower #1	2,227 MMBtu/hr Rejected Heat	-	-	-	02/13/2003 Permit as amended 01/30/2006
T001	T001	Distillate Fuel oil Storage Tank	2.10 MMgal	-	-	-	02/13/2003 Permit as amended 01/30/2006

\*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

### **III. Combustion Turbines and Auxiliary Equipment Requirements – (EU001, EU002, EU003, EU010 and EU011)**

#### **A. Limitations**

1. Nitrogen oxides (NO<sub>x</sub>) emissions from each combustion turbine (CT) and heat recovery steam generator (HRSG) duct burner shall be controlled by “dry/low-NO<sub>x</sub>” lean premix burners when firing natural gas and water injection when firing distillate fuel oil. The NO<sub>x</sub> in the exhaust of the CTs, downstream of the duct burners, shall be controlled by selective catalytic reduction (SCR) with ammonia injection. The CTs, HRSGs and SCR equipment shall be provided with adequate access for inspection. The SCR equipment shall be in operation when the turbines are in normal operating mode (at all times except during startup and shutdown, as defined in Condition III.A.2).  
(9 VAC 5-80-490 B & C and Condition 3 of 02/13/2003 Permit, as amended 01/30/2006)

2. The terms “Startup”, “Shutdown” and “Minimum Load” shall be defined as follows:

Startup: Startup of any GE 7FA CT is defined as operation at loads between zero and the minimum load, not to exceed five hours, if the CT was not operated within the previous eight hours (cold/warm starts) or not to exceed two hours if the CT was operated within the previous eight hours.

Shutdown: Shutdown is defined as the period of operation, normally 45 minutes, from when a turbine in continuous operation ramps down in power from the minimum load until the unit is no longer being fired or producing emissions.

Minimum Load: Minimum load is defined as the lowest operating load, established during a performance test, at which CT emission rates are in compliance with permitted emission limits.

(9 VAC 5-80-490 B & C and Appendix A of 02/13/2003 Permit, as amended 01/30/2006)

3. Sulfur dioxide (SO<sub>2</sub>) emissions from each CT, HRSG duct burner, fire suppression water pump and the emergency diesel generator shall be controlled by the use of low sulfur fuels (pipeline quality natural gas and low sulfur distillate fuel oil).  
(9 VAC 5-80-490 B & C and Condition 4 of 02/13/2003 Permit, as amended 01/30/2006)

4. Sulfuric Acid Mist ( $\text{H}_2\text{SO}_4$ ) emissions from each CT and HRSG duct burner shall be controlled by the use of low sulfur fuels (pipeline quality natural gas and low sulfur distillate fuel oil).  
(9 VAC 5-80-490 B & C and Condition 5 of 02/13/2003 Permit, as amended 01/30/2006)
5. Particulate Matter (PM) from the cooling tower shall be controlled by the use of drift eliminators.  
(9 VAC 5-80-490 B & C and Condition 6 of 02/13/2003 Permit, as amended 01/30/2006)
6. Each GE 7FA CT can be fired on fuel oil only during the six-month period of October through March. Each GE 7FA CT shall consume no more than  $10.49 \times 10^6$  gallons of distillate fuel oil per year, calculated monthly as the sum of each consecutive 12-month period.  
(9 VAC 5-80-490 B & C and Condition 8 of 02/13/2003 Permit, as amended 01/30/2006)
7. Each GE 7FA CT shall consume no more than  $15,768 \times 10^6$  scf of natural gas per year, calculated monthly as the sum of each consecutive 12-month period.  
(9 VAC 5-80-490 B & C and Condition 9 of 02/13/2003 Permit, as amended 01/30/2006)
8. Each duct burner shall consume no more than  $4,643 \times 10^6$  scf of natural gas per year, calculated monthly as the sum of each consecutive 12-month period and shall operate only when the turbines are firing natural gas.  
(9 VAC 5-80-490 B & C and Condition 10 of 02/13/2003 Permit, as amended 01/30/2006)
9. The diesel emergency fire suppression water pump shall consume no more than 5,000 gallons of distillate fuel oil per year, calculated monthly as the sum of each consecutive 12-month period.  
(9 VAC 5-80-490 B & C and Condition 11 of 02/13/2003 Permit, as amended 01/30/2006)
10. The approved fuels for the GE 7FA CTs are natural gas with a maximum sulfur content of 0.6 grains per 100 dry standard cubic feet and distillate fuel oil with a maximum sulfur content of 0.01 percent by weight. A standard cubic foot of gas is defined as a cubic foot of gas at standard conditions as specified in 40 CFR 72.2 (68°F and 29.92 in Hg). A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-490 B & C, 40 CFR §60.333, Appendix A and Condition 12 of 02/13/2003 Permit, as amended 01/30/2006)

11. The approved fuel for the duct burners is natural gas with a maximum sulfur content of 0.6 grains per 100 dry standard cubic feet. A standard cubic foot of gas is defined as a cubic foot of gas at standard conditions as specified in 40 CFR 72.2 (68°F and 29.92 in Hg). A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-490 B & C, Condition 13 and Appendix A of 02/13/2003 Permit, as amended 01/30/2006)
  
12. The approved fuel for the diesel emergency fire suppression water pump is distillate fuel oil with a maximum sulfur content of 0.05 percent by weight. A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-490 B & C and Condition 14 of 02/13/2003 Permit, as amended 01/30/2006)
  
13. The 2.1 million gallon, above ground storage tank shall store only distillate fuel oil or other petroleum-based liquids that have a true vapor pressure less than 3.5 kPa. Storage of non-pollutant emitting substances may be allowed if approved by the Director, Valley Region.  
(9 VAC 5-80-490 B & C and Condition 16 of 02/13/2003 Permit, as amended 01/30/2006)
  
14. Stack Emissions from the operation of each GE 7FA CT and associated duct burner shall not exceed the limits specified below except during start-up, shutdown, malfunction or fuel transfer:

	Short term limits Duct Burners off; Firing Gas (each unit)	Short term limits Duct Burners on; Firing Gas (each unit)	Short term limits Duct Burners off; Firing Oil (each unit)	Annual limit (tons) (each unit)
PM <sub>10</sub> (includes condensible PM)	9.7 lb/hr	16.2 lb/hr	21.8 lb/hr	72.92
Sulfur Dioxide	3.1 lb/hr 0.3 ppmvd	4.0 lb/hr 0.3 ppmvd	20.8 lb/hr 1.9 ppmvd	23.59
Nitrogen Oxides (as NO <sub>2</sub> )	20.7 lb/hr 3.0 ppmvd	26.7 lb/hr 3.0 ppmvd	48.0 lb/hr 6.0 ppmvd	124.6
Carbon Monoxide	51 lb/hr 12.9 ppmvd	109.5 lb/hr 20.8 ppmvd	69 lb/hr 15.6 ppmvd	350.3
Volatile Organic Compounds	1.7 ppmvd	15.5 ppmvd	2.9 ppmvd	114.32
Sulfuric Acid Mist (H <sub>2</sub> SO <sub>4</sub> )	0.7 lb/hr	1.7 lb/hr	4.8 lb/hr	8.7

ppmvd ≡ parts per million by volume on a dry gas basis, corrected to 15 percent O<sub>2</sub>.

Short term emission limits represent averages for a three-hour sampling period, and apply at all times except during startup, shutdown, malfunction or fuel transfer. Periods considered startup and shutdown are defined in Condition III.A.2 of this permit, and fuel transfer is defined in Condition III.A.15 of this permit.

Annual emission limits are derived from the estimated overall emission contribution from operating limits, including periods of startup, shutdown and fuel transfer. Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits.

(9 VAC 5-80-490 B & C, 40 CFR §60.332 and Condition 17 of 02/13/2003 Permit, as amended 01/30/2006)

15. Fuel transfer is defined as the period that begins when the turbine(s) work load is reduced below the minimum load for the purpose of transferring to natural gas and ends when distillate fuel oil usage ceases (or vice versa) and the turbine is re-stabilized in a normal work load for the dry low NO<sub>x</sub> burners. This period is permitted, provided:
  - a. Air pollution control practices for minimizing emissions are adhered to and the duration of excess emissions shall be minimized but in no case exceed two 1-hour averaging periods for any given fuel transfer event unless specifically authorized by DEQ for longer duration.
  - b. The permittee shall provide a general description to the Director, Valley Region of the procedures to be followed during periods of fuel transfer to ensure that the best operational practices to minimize emissions will be adhered to and the duration of excess emissions will be minimized. The description may be updated as needed by submitting such update to the Director, Valley Region within 30 days of implementation.

(9 VAC 5-80-490 B & C and Appendix A of 02/13/2003 Permit, as amended 01/30/2006)

16. For each stack servicing a GE 7FA CT and associated duct burners, the emissions from the operation of the duct burners shall not exceed the limits specified below except for periods of start-up, shutdown, malfunction or fuel transfer:

0.03 pounds of particulate matter per million Btu heat input

0.20 pounds of sulfur dioxide per million Btu heat input

1.6 pounds of nitrogen oxides (as NO<sub>2</sub>) per megawatt-hour, gross energy output

Compliance with the SO<sub>2</sub> and NO<sub>x</sub> emission limits of this condition shall be determined on a 30-day rolling average basis. Compliance with the NO<sub>x</sub> limits of this condition shall be determined by one of the methods allowed by 40 CFR §60.48Da (k) for an affected duct burner used in combined cycle systems or by an alternate method approved by the Director, Valley Region.  
(9 VAC 5-80-490 B & C, 40 CFR §60.44Da (d) (1) and Conditions 18 and 22 of 02/13/2003 Permit, as amended 01/30/2006)

17. The following emission limits are for inventory purposes only:

Fire suppression water pump

Nitrogen Oxides (as NO <sub>2</sub> )	7.4 lbs/hr	0.93 tpy
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(9 VAC 5-80-490 B & C and Condition 19 of 02/13/2003 Permit, as amended 01/30/2006)

18. Visible emissions from the GE 7FA CT/HRSG stacks shall not exceed 10 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 20 percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, malfunction and fuel transfer.  
(9 VAC 5-80-490 B & C, 9 VAC 5-50-80 and Condition 20 of 02/13/2003 Permit, as amended 01/30/2006)

19. Visible emissions from the fire suppression water pump shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A).  
(9 VAC 5-80-490 E and 9 VAC 5-50-80)

## **B. Monitoring**

1. Continuous Emission Monitoring Systems (CEMS), meeting the design specifications of 40 CFR Part 75, shall measure and record the emissions of NO<sub>x</sub> (measured as NO<sub>2</sub>), in ppmvd corrected to 15 percent O<sub>2</sub>, from the combination of each GE 7FA CT and its duct burner. The CEMS shall also measure and record the oxygen content of the flue gas at each location where NO<sub>x</sub> emissions are monitored. Each CEMS shall be calibrated, maintained, audited and operated in accordance with the requirements of 40 CFR 75. For the purposes of this permit, data shall be reduced to three-hour block averages.  
(9 VAC 5-80-490 E, 40 CFR 75, 40 CFR §60.49Da and Condition 25 of 02/13/2003 Permit, as amended 01/30/2006)

2. A CEMS quality control program, which is equivalent to the requirements of 40 CFR §60.13, and Appendix F to 40 CFR 60 shall be implemented for all continuous monitoring systems.  
(9 VAC 5-80-490 E and Condition 26 of 02/13/2003 Permit, as amended 01/30/2006)
3. Each SCR system shall be equipped with devices to continuously measure and record ammonia feed rate and catalyst bed inlet gas temperature. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the SCR system is operating.  
(9 VAC 5-80-490 E)
4. The devices used to continuously measure ammonia feed rate and catalyst bed inlet gas temperature shall be observed by the permittee with a frequency sufficient to ensure good performance of the SCR system but not less than once per day of operation. The permittee shall continuously record measurements from the control monitoring devices.  
(9 VAC 5-80-490 E)
5. The permittee shall perform fuel sulfur monitoring or obtain a certification from the fuel supplier with each shipment of distillate fuel. Each fuel supplier certification shall include the following:
  - a. The name of the fuel supplier;
  - b. The date on which the distillate fuel oil was received;
  - c. The volume of distillate fuel oil delivered in the shipment;
  - d. The sulfur content of the distillate fuel oil.

(9 VAC 5-80-490 E, Condition 15 and Appendix A of 02/13/2003 Permit, as amended 01/30/2006)
6. Fuel shipment sampling as required in Condition III.B.5 can be conducted in one of the following three ways:
  - a. by sampling the distillate fuel oil at a single refinery tank if:
    - (1) all the fuel delivered in the same shipment comes from one refinery tank and
    - (2) the tank is not refilled between the first and last tanker truck loading,

- b. testing each individual tanker truck before the fuel oil is added to the on-site storage tank, or
- c. testing the on-site storage tank following the receipt of every fuel oil shipment that is directly proceeded by using fuel oil from the on-site storage tank.

(9 VAC 5-80-490 E and Appendix A of 02/13/2003 Permit, as amended 01/30/2006)

- 7. Visible emissions observations for each CT/HRSO exhaust stack shall be conducted at least once per week. If visible emissions are observed from any stack, the permittee shall:
  - a. Take timely corrective action such that the affected unit resumes normal operation and there are no visible emissions from the exhaust stack, or
  - b. Perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the affected unit do not exceed 10 percent opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 10 percent, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the affected unit resumes operation with visible emissions of 10 percent or less.

(9 VAC 5-80-490 E and Condition 29 of 02/13/2003 Permit, as amended 01/30/2006)

### **C. Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Valley Region. These records shall include, but are not limited to:

- 1. Annual throughput of distillate fuel oil and natural gas to each GE 7FA CT, calculated monthly as the sum of each consecutive 12-month period.
- 2. Annual throughput of natural gas to the duct burners for each GE 7FA CT, calculated monthly as the sum of each consecutive 12-month period.
- 3. Periods of startup, shutdown, and malfunction of each GE 7FA CT. Periods of startup and shutdown shall be as defined in Condition III.A.2.
- 4. Periods of fuel transfer of each GE 7FA CT. Periods of fuel transfer shall be as defined in Condition III.A.15.

5. Continuous records of power output for each GE 7FA CT.
6. For each period when a GE 7FA CT fires distillate fuel oil, the date and time when fuel oil firing begins and ends, and other records sufficient to demonstrate that duct burners were not fired for the duration of each such period.
7. Annual throughput of distillate fuel oil to the diesel emergency fire suppression water pump, calculated monthly as the sum of each consecutive 12-month period.
8. Fuel analysis records or supplier certifications sufficient to demonstrate compliance with Conditions III.A.10 through III.A.13.
9. All fuel sampling results and other records required by 40 CFR Part 60, Subparts Da and GG, as they apply to the permitted emission units, unless explicitly waived by other conditions of this permit or by approval from the Director, Valley Region.
10. Emissions calculations sufficient to verify compliance with the annual emissions limitations in Condition III.A.14, calculated monthly as the sum of each consecutive 12-month period, and records sufficient for calculating actual annual emissions from the remainder of the facility. Emissions shall be calculated using methodology submitted to and approved by the Director, Valley Region.
11. Continuous monitoring system data, calibrations and calibration checks, percent operating time, and excess emissions.
12. Operation and control device monitoring records for each SCR system.
13. Results of all stack tests, visible emission evaluations and performance evaluations.
14. Log of the observations and maintenance on each GE 7FA CT.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-50-50, 9 VAC 5-80-490 F, Conditions 15 and 24 of 02/13/03 Permit, as amended 01/30/2006)

#### **D. Testing**

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
(9 VAC 5-80-490 E & F and Condition 30 of 02/13/03 Permit, as amended 01/30/2006)

2. Once each permit term, at a frequency not to exceed five years from the previous performance test that demonstrated compliance with the CO emission limits, a performance test shall be conducted for CO from each GE 7FA CT and associated duct burner to determine compliance with the emission limits contained in Condition III.A.14. Tests shall be conducted for two different operating scenarios: maximum load with the duct burners on; and minimum load with the duct burners off.

Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Director, Valley Region. The permittee shall submit a test protocol at least 30 days prior to testing. One copy of the test results shall be submitted to the Director, Valley Region, within 60 days of test completion. An alternate testing matrix that generates data equivalent to the initial performance tests listed in this permit condition may be substituted if submitted in writing and approved by the Director, Valley Region. All testing, whether in accordance with tests specified above or with an approved alternate matrix, shall be completed and reported in accordance with the time frames specified within this condition.

(9 VAC 5-80-490 E)

3. The permittee may conduct performance testing for carbon monoxide from each GE 7FA CT to establish a new minimum load. Minimum load is defined as the lowest operating load, established during a performance test, at which CT emission rates are in compliance with permitted emission limits. The permittee shall demonstrate compliance with the nitrogen oxides emission limits contained in Condition III.A.14 during the performance testing for carbon monoxide to establish a new minimum load. The minimum load established during this performance test shall replace the initial minimum load level of 50 percent.

Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Director, Valley Region. The permittee shall submit a test protocol at least 30 days prior to testing. One copy of the test results shall be submitted to the Director, Valley Region, within 60 days of test completion.

(9 VAC 5-80-490 E & F, Condition 28 and Appendix A of 02/13/2003 Permit, as amended 01/30/2006)

4. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.

(9 VAC 5-80-490 E)

## **E. Reporting**

The permittee furnish written reports to the Director, Valley Region, of excess emissions from any process monitored by a CEMS on a semi-annual basis, postmarked no later than the 30th day following the end of each semi-annual period. These reports shall include, but are not limited to, the following information:

1. The magnitude of excess emissions, any conversion factors used in the calculation of excess emissions, and the date and time of commencement and completion of each period of excess emissions;
2. Specific identification of each period of excess emissions that occurs during startups, shutdowns, malfunctions and fuel transfers, the nature and cause of the malfunction (if known), the corrective action taken or preventative measures;
3. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
4. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in that report.

(9 VAC 5-80-490 F and Condition 27 of 02/13/2003 Permit, as amended 01/30/2006)

## **IV. Facility Wide Conditions**

### **A. Limitations**

1. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment, monitoring devices, and process equipment which affect such emissions:
  - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance;
  - b. Maintain an inventory of spare parts;
  - c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum;
  - d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.

(9 VAC 5-80-490 B and Condition 35 of 02/13/03 Permit, as amended 01/30/2006)

2. Regardless of any other provision of this section, the permittee shall, upon request of the board, reduce the level of operation at the facility if the board determines that this is necessary to prevent a violation of any primary ambient air quality standard. Under worst case conditions, the board may order that the permittee shut down the facility, if there is no other method of operation to avoid a violation of the primary ambient air quality standard. The board reserves the right to prescribe the method of determining if a facility will cause such a violation. In such cases, the facility shall not be returned to operation until it and the associated air pollution control equipment are able to operate without violation of any primary ambient air quality standard.

(9 VAC 5-80-490 B and Condition 34 of 02/13/03 Permit, as amended 01/30/2006)

### **B. Notifications and Recordkeeping**

The permittee shall furnish notification to the Director, Valley Region, of the intention to shut down or bypass, or both, air pollution control equipment for necessary scheduled maintenance, which results in excess emissions for more than one hour, at least 24 hours

prior to the shutdown. The notification shall include, but is not limited to, the following information:

1. Identification of the air pollution control equipment to be taken out of service, as well as its location, and registration number;
2. The expected length of time that the air pollution control equipment will be out of service;
3. The nature and quantity of emissions of air pollutants likely to occur during the shutdown period;
4. Measures that will be taken to minimize the length of the shutdown or to negate the effect of the outage.

(9 VAC 5-80-490 F and Condition 32 of 02/13/03 Permit, as amended 01/30/2006)

## V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
-	500 Gallon Fire Pump Fuel Storage Tank	9 VAC 5-80-720B	VOC	-
-	Three (3) Lube Oil Storage Tanks, 6,200 Gallon Each	9 VAC 5-80-720B	VOC	-
-	4,300 Gallon Lube Oil Storage Tank	9 VAC 5-80-720B	VOC	-
-	18,000 Gallon Anhydrous Ammonia Storage Tank	9 VAC 5-80-720B	NH <sub>3</sub>	-
-	45,000 Standard Cubic Feet Hydrogen Storage Tank	9 VAC 5-80-720C	NA	-
-	Numerous Transformers Storing Mineral Oil	9 VAC-5-80-720B	VOC	-
-	Numerous Water and Water Treatment Chemical Storage Tanks	9 VAC-5-80-720B	NA	-

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, monitoring, recordkeeping and reporting shall not be required for these emission units in accordance with 9 VAC 5-80-490 C, E and F.

## VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed to be in compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60, Subpart D	Standards of Performance for Fossil-Fuel-Fired Steam Generators	The three HRSGs at the facility are subject to Subpart Da. Units regulated under Subpart Da are not subject to Subpart D.
40 CFR 60, Subpart Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units	The three HRSGs at the facility are subject to Subpart Da. Units regulated under Subpart Da are not subject to Subpart Db.
40 CFR 60, Subpart Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units	The three HRSGs at the facility are subject to Subpart Da. Units regulated under Subpart Da are not subject to Subpart Dc.
40 CFR 60, Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels)	The vapor pressures of the liquid stored in the storage tank at the facility is less than 3.5 kPa, which is below the applicability threshold. As a result, 40 CFR 60 Subpart Kb does not apply.
40 CFR 63, Subpart Q	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers	This standard does not apply as this facility is not a major source of hazardous air pollutants (HAPs).
40 CFR 63, Subpart YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines	This standard does not apply as this facility is not a major source of hazardous air pollutants (HAPs).
40 CFR 63, Subpart ZZZZ	National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines	This standard does not apply as this facility is not a major source of hazardous air pollutants (HAPs).
40 CFR 63, Subpart DDDDD	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters	The three HRSGs at the facility are not subject to this subpart. No other fuel burning equipment operated at the facility is subject to this standard as this facility is not a major source of hazardous air pollutants (HAPs).

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.  
(9 VAC 5-80-500)

## **VII. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-490 N)

### **B. Permit Expiration**

1. This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-430, the right of the facility to operate shall be terminated upon permit expiration.
2. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
3. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 3, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-510.
4. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-430 for a renewal permit, except in compliance with a permit issued under Article 3, Part II of 9 VAC 5 Chapter 80.
5. If an applicant submits a timely and complete application under section 9 VAC 5-80-430 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-500, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

6. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-430 F shall cease to apply if, subsequent to the completeness determination made pursuant to section 9 VAC 5-80-430 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-430 B, C and F, 9 VAC 5-80-490 D and 9 VAC 5-80-530 B)

### **C. Recordkeeping and Reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-490 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-490 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-430 G, and shall include:
  - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
  - (1) Exceedance of emissions limitations or operational restrictions;
  - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
  - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-490 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-430 G, and shall include:

- 1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
- 2. A description of the means for assessing or monitoring the compliance of the source with its emission limitations, standards, and work practices.
- 3. The identification of each term or condition of the permit that is the basis of the certification.
- 4. Consistent with subsection 9 VAC 5-80-490 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

5. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
6. The status of compliance with the terms and conditions of this permit for the certification period.
7. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP 00)  
U. S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

(9 VAC 5-80-490 K.5)

#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, Valley Region, within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VII.C.3 of this permit.

(9 VAC 5-80-490 F.2)

#### **F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours, notify the Director, Valley Region, by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject

to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Valley Region.

1. The emission units that have continuous monitors subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not subject to the 14 day written notification.
2. The emission units subject to the reporting and the procedure requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are listed below:
  - a. EU-001
  - b. EU-002
  - c. EU-003
3. Each owner required to install a continuous monitoring system subject to 9 VAC 5-40-41 or 9 VAC 5-50-410 shall submit a written report of excess emissions (as defined in the applicable emission standard) to the Board semi-annually. All reports shall be postmarked by the 30th day following the end of each calendar semi-annual period and shall include the following information:
  - a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9 VAC 5-40-41 B 6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;
  - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
  - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
  - d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.
4. All emission units not subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C must make written reports within 14 days of the malfunction occurrence.

(9 VAC 5-20-180 C, 9 VAC 5-40-50, and 9 VAC 5-50-50)

#### **G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.  
(9 VAC 5-80-490 G.1)

#### **H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.  
(9 VAC 5-80-490 G.2)

#### **I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.  
(9 VAC 5-80-490 G.3)

#### **J. Permit Modification**

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.  
(9 VAC 5-80-490 G and L, 9 VAC 5-80-550 and 9 VAC 5-80-660)

#### **K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9 VAC 5-80-490 G.5)

#### **L. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information

claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-490 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-430 G.

(9 VAC 5-80-490 K.1)

#### **M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-360 through 9 VAC 5-80-700 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 et seq. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-490 H)

#### **N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-20 E, 9 VAC 5-50-90 and 9 VAC 5-50-50)

#### **O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

#### **P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-500 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 3.

(9 VAC 5-80-490 J)

#### **Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-490 K.2)

#### **R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-430 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-490 D.

(9 VAC 5-80-490 L)

#### **S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-510 G)

#### **T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-520)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall

notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-560.  
(9 VAC 5-80-520)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-560.  
(9 VAC 5-80-520)

#### **U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
  - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-490 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-650)

#### **V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80, Article 3. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-490 G and L, 9 VAC 5-80-640 and 9 VAC 5-80-660)

#### **W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-430 E)

#### **X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

#### **Y. Asbestos Requirements**

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40

CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).  
(9 VAC 5-60-70 and 9 VAC 5-80-490 A)

**Z. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(40 CFR Part 68)

**AA. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9 VAC 5-80-490 I)

**BB. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-490, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-500 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-360 through 9 VAC 5-80-700.

(9 VAC 5-80-490 I)

## VIII. Title IV (Phase II Acid Rain) Permit Allowances and Requirements

The Phase II Acid Rain permit is incorporated into this permit. The owners and operators of the source shall comply with the standard requirements and special provisions set forth in the application.

(9 VAC 5-80-440 and 9 VAC 5-80-490 A.4.a and c, B, C, E, F, M, O and P)

### A. Statutory and Regulatory Authorities

In accordance with the Air Pollution Control Law of Virginia §10.1-1308 and §10.1-1322, the Environmental Protection Agency (EPA) Final Full Approval of the Operating Permits Program (Titles IV and V) published in the Federal Register December 4, 2001, Volume 66, Number 233, Rules and Regulations, Pages 62961-62967 and effective November 30, 2001, and Title 40, the Code of Federal Regulations §§72.1 through 76.16, the Commonwealth of Virginia Department of Environmental Quality issues Phase II Acid Rain permit pursuant to 9 VAC 5 Chapter 80, Article 3 of the Virginia Regulations for the Control and Abatement of Air Pollution (Federal Operating Permit Article 3) (9 VAC 5-80-490 B.2)

### B. SO<sub>2</sub> Allowance Allocations and NO<sub>x</sub> Requirements for Affected Units

Units	CTGDB1, CTGDB2 and CTGDB3				
Year	2008	2009	2010	2011	2012
<b>SO<sub>2</sub> Allowances</b> under Table 2 of 40 CFR 73.10 (tons)	None. <sup>1</sup>				
<b>NO<sub>x</sub> Limit</b>	Not Applicable.				

<sup>1</sup> See Subsection C.1 and C.2.a and C.2.b

(9 VAC 5-80-490 A.4)

### C. Additional Requirements, Notes, Comments, and Justifications

#### 1. Additional Requirements

Tenaska Virginia Partners, L.P. shall submit a complete permit application that includes all of the information required under 40 CFR §§72.21 and 72.31 at least six months, but no earlier than 18 months, prior to the date of expiration of the existing

Phase II Acid Rain permit. EPA forms shall be used.  
(9 VAC 5-80-430 C.5)

2. Notes

- a. SO<sub>2</sub> allowances may be acquired from other sources in addition to those allocated by U.S. EPA. No revision to this permit is necessary in order for the owners and operators of this unit to hold additional allowances recorded in accordance with 40 CFR Part 73. The owners and operators of this unit remain obligated to hold sufficient allowances to account for SO<sub>2</sub> emissions from this unit in accordance with 40 CFR §72.9(c)(1).  
(9 VAC 5-80-420 C.1 and H.1 and 9 VAC 5-80-490 O)
- b. This unit was not eligible for SO<sub>2</sub> allowance allocation by U.S. EPA under Section 405 of the Clean Air Act and the Acid Rain Program, so none were assigned in 40 CFR Part 73, Table 2.  
(9 VAC 5-80-420 C.6)

3. Justifications

Units CTGDB1, CTGDB2 and CTGDB3 are each a gas-fired and oil-fired unit and are not subject to NO<sub>x</sub> limitations under 40 CFR Part 76.  
(9 VAC 5-80-420 D)

## IX. NO<sub>x</sub> Budget Trading Program Requirements

The following requirements are scheduled to be phased out in 2009 and replaced with the Clean Air Interstate Rule (CAIR) requirements. The permittee shall comply with all applicable CAIR requirements (9 VAC 5-140-1010 et seq., 9 VAC 5-140-2010 et seq., 9 VAC 5-140-3010 et seq., 9 VAC 5-140-5010 et seq., and 40 CFR Part 96) by the compliance date in the respective Part of 9 VAC 5 Chapter 140 (see Section X). Once the compliance date for NO<sub>x</sub> reductions under the CAIR become effective, the following requirements will no longer be applicable.

### A. General Conditions

1. A review of the air emission units included in this permit approval has determined that the equipment listed in Table IX-1 meets the definition of a NO<sub>x</sub> Budget Unit and falls subject to the NO<sub>x</sub> Budget emission limitations under 9 VAC 5-140-40 or for opt-in sources 9 VAC 5-140-800. As required by 9 VAC 5-140-200 A, for each NO<sub>x</sub> Budget source required to have a federally enforceable permit, such permit will include the NO<sub>x</sub> Budget permit to be administered by the permitting authority. This section represents the NO<sub>x</sub> Budget permit.  
(9 VAC 5-140-40)
2. The NO<sub>x</sub> Budget permit will be administrated by the VADEQ under the authority of 9 VAC 5-80-360 et seq., and 9 VAC 5-140-10 et seq.  
(9 VAC 5-140-200 A)
3. The following air emission units have been determined to meet the applicability requirements as provided in 9 VAC 5-140-40 A.1 and A.2. Units that do not meet this definition, are not defined as 25-Ton Exemption Units and are not permanently shut down, can be included in the NO<sub>x</sub> Budget Trading program as “opt-in” air emission sources.  
(9 VAC 5-140-40 A)

**Table IX-1  
Facility NO<sub>x</sub> Budget Units**

<b>Facility Unit ID</b>	<b>Unit NATS Code</b>	<b>Unit Name and description</b>	<b>Maximum Heat Capacity (MMBtu/hr)</b>	<b>Maximum Generation Capacity (megawatts)</b>
CTGDB1	055439CTGDB1	Unit 1 General Electric (GE) 7FA Combustion Turbine and Heat Recovery Steam Generator with Duct Burner	2,408 (natural gas) 2,570 (oil)	315 (natural gas) 326 (oil)

<b>Table IX-1 Facility NO<sub>x</sub> Budget Units</b>				
<b>Facility Unit ID</b>	<b>Unit NATS Code</b>	<b>Unit Name and description</b>	<b>Maximum Heat Capacity (MMBtu/hr)</b>	<b>Maximum Generation Capacity (megawatts)</b>
CTGDB2	055439CTGDB2	Unit 2 General Electric (GE) 7FA Combustion Turbine and Heat Recovery Steam Generator with Duct Burner	2,408 (natural gas) 2,570 (oil)	315 (natural gas) 326 (oil)
CTGDB3	055439CTGDB3	Unit 3 General Electric (GE) 7FA Combustion Turbine and Heat Recovery Steam Generator with Duct Burner	2,408 (natural gas) 2,570 (oil)	315 (natural gas) 326 (oil)

4. This NO<sub>x</sub> Budget permit will become effective on May 31, 2004.  
 (9 VAC 5-140-240.1)

## **B. Standard Requirements**

### **1. Continuous Monitoring Requirements**

- a. The owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall comply with the monitoring requirements of Article 8 (9 VAC 5-140-700 et seq.) of 9 VAC 5 Chapter 140, Part 1.  
 (9 VAC 5-140-60 B.1)
- b. The emissions measurements recorded and reported in accordance with 9 VAC 5-140-700 et seq. (Subparts H of 40 CFR Part 75 and 40 CFR Part 97) shall be used to determine compliance by the unit with the NO<sub>x</sub> Budget emissions limitation under Conditions IX.B.2.a through IX.B.2.h of this permit. The following approved methods will be used to calculate NO<sub>x</sub> Control Period and Annual emission rates

<b>Pollutant or Stack Parameter</b>	<b>CEM Monitoring Methods 40 CFR 75</b>
NO <sub>x</sub> Concentration	EPA Method 7E
Moisture	EPA Method 4
Fuel use / heat flow	EPA Method 2
Diluent gas	EPA Method 3A

(9 VAC 5-140-60 B.2)

## 2. Nitrogen Oxides Requirements

- a. The owners and operators of each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall hold NO<sub>x</sub> allowances available for compliance deductions under 9 VAC 5-140-540 A, B, E, or F, as of the NO<sub>x</sub> allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO<sub>x</sub> emissions for the control period from the unit, as determined in accordance with Article 8 (9 VAC 5-140-700 et seq.) of 9 VAC 5 Chapter 140, Part 1, plus any amount necessary to account for actual utilization under 9 VAC 5-140-420 E for the control period or to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO<sub>x</sub> Budget Trading Program, or a change in regulatory status, of a NO<sub>x</sub> Budget opt-in unit under 9 VAC 5-140-860 or 9 VAC 5-140-870. (9 VAC 5-140-60 C.1)
- b. Each ton of nitrogen oxides emitted in excess of the NO<sub>x</sub> Budget emissions limitation shall constitute a separate violation of the Clean Air Act, and applicable Virginia Air Pollution Control law. (9 VAC 5-140-60 C.2)
- c. A NO<sub>x</sub> Budget unit shall be subject to the requirements under 9 VAC 5-140-60 C.1 starting on the later of May 31, 2004 or the date on which the unit commences operation. (9 VAC 5-140-60 C.3)
- d. NO<sub>x</sub> allowances shall be held in, deducted from, or transferred among NO<sub>x</sub> Allowance Tracking System accounts in accordance with Article 5 (9 VAC 5-140-400 et seq.), Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), and Article 9 (9 VAC 5-140-800 et seq.) of 9 VAC 5 Chapter 140, Part 1. (9 VAC 5-140-60 C.4)
- e. A NO<sub>x</sub> allowance shall not be deducted, in order to comply with the requirements under 9 VAC 5-140-60 C.1 for a control period in a year prior to the year for which the NO<sub>x</sub> allowance was allocated. (9 VAC 5-140-60 C.5)
- f. A NO<sub>x</sub> allowance allocated by the permitting authority or the administrator under the NO<sub>x</sub> Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO<sub>x</sub> Budget Trading Program. No provision of the NO<sub>x</sub> Budget Trading Program, the NO<sub>x</sub> Budget permit application, the NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 and no provision of law shall be construed to limit the authority of the United States

or the State to terminate or limit such authorization.  
(9 VAC 5-140-60 C.6)

- g. A NO<sub>x</sub> allowance allocated by the permitting authority or the administrator under the NO<sub>x</sub> Budget Trading Program does not constitute a property right.  
(9 VAC 5-140-60 C.7)
- h. Upon recordation by the administrator under Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), or Article 9 (9 VAC 5-140-800 et seq.) of 9 VAC 5 Chapter 140, Part 1, every allocation, transfer, or deduction of a NO<sub>x</sub> allowance to or from a NO<sub>x</sub> Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO<sub>x</sub> Budget permit of the NO<sub>x</sub> Budget unit by operation of law without any further review.  
(9 VAC 5-140-60 C.8)

### 3. Excess Emissions Requirements

- a. The owners and operators of a NO<sub>x</sub> Budget unit that has excess emissions in any control period shall:
  - (1) Surrender the NO<sub>x</sub> allowances required for deduction under 9 VAC 5-140-540 D.1; and
  - (2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9 VAC 5-140-540 D.3.

(9 VAC 5-140-60 D)

## C. Recordkeeping and Reporting Requirements

The following requirements concerning recordkeeping and reporting shall apply:

- 1. Unless otherwise provided, the owners and operators of the NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the permitting authority or the administrator.  
(9 VAC 5-140-60 E.1)
  - a. The account certificate of representation for the NO<sub>x</sub> authorized account representative for the source and each NO<sub>x</sub> Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9 VAC 5-140-130; provided that the

certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO<sub>x</sub> authorized account representative.

(9 VAC 5-140-60 E.1)

- b. All emissions monitoring information, in accordance with Article 8 (9 VAC 5-140-700 et seq.) of 9 VAC 5 Chapter 140, Part 1; provided that to the extent that Article 8 (9 VAC 5-140-700 et seq.) of 9 VAC 5 Chapter 140, Part 1 provides for a three-year period for recordkeeping, the three-year period shall apply.  
(9 VAC 5-140-60 E.1)
  - c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 E.1)
  - d. Copies of all documents used to complete a NO<sub>x</sub> Budget permit application and any other submission under the NO<sub>x</sub> Budget Trading Program or to demonstrate compliance with the requirements of the NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 E.1)
2. The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall submit the reports and compliance certifications required under the NO<sub>x</sub> Budget Trading Program, including those under Article 4 (9 VAC 5-140-300 et seq.), Article 8 (9 VAC 5-140-700 et seq.), or Article 9 (9 VAC 5-140-800 et seq.) of 9 VAC 5 Chapter 140, Part 1.  
(9 VAC 5-140-60 E.2)

#### **D. Testing for CEM Certification**

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.  
(9 VAC 5-50-30 and 9 VAC 5-140-710)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

<b>Pollutant or Stack Parameter</b>	<b>CEM Certification Test Method 40 CFR 75</b>
NO <sub>x</sub> Concentration	EPA Method 7E
Opacity	EPA Method 9

<b>Pollutant or Stack Parameter</b>	<b>CEM Certification Test Method 40 CFR 75</b>
Moisture	EPA Method 4
Fuel use / heat flow	EPA Method 2
Diluent gas	EPA Method 3A

(9 VAC 5-140-700 to 710)

#### **E. Liability**

1. Any person who knowingly violates any requirement or prohibition of the NO<sub>x</sub> Budget Trading Program, a NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 shall be subject to enforcement pursuant to applicable State or Federal law.  
(9 VAC 5-140-60 F.1)
2. Any person who knowingly makes a false material statement in any record, submission, or report under the NO<sub>x</sub> Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.  
(9 VAC 5-140-60 F.2)
3. No permit revision shall excuse any violation of the requirements of the NO<sub>x</sub> Budget Trading Program that occurs prior to the date that the revision takes effect.  
(9 VAC 5-140-60 F.3)
4. Each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit shall meet the requirements of the NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 F.4)
5. Any provision of the NO<sub>x</sub> Budget Trading Program that applies to a NO<sub>x</sub> Budget source or the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source shall also apply to the owners and operators of such source and of the NO<sub>x</sub> Budget units at the source.  
(9 VAC 5-140-60 F.5)
6. Any provision of the NO<sub>x</sub> Budget Trading Program that applies to a NO<sub>x</sub> Budget unit or the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under 9 VAC 5 Chapter 140, Part 1, Article 8, the owners and operators and the NO<sub>x</sub> authorized account representative of one NO<sub>x</sub> Budget unit shall not be liable for any violation by any other NO<sub>x</sub> Budget unit of which they are not owners or operators or the NO<sub>x</sub> authorized account representative and that is located at a source of which they are not owners or operators or the NO<sub>x</sub>

authorized account representative.  
(9 VAC 5-140-60 F.6)

**F. Effect on Other Authorities**

No provision of the NO<sub>x</sub> Budget Trading Program, a NO<sub>x</sub> Budget permit application, a NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source or NO<sub>x</sub> Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, the Clean Air Act.  
(9 VAC 5-140-60 G)

**X. Clean Air Interstate Rule (CAIR) Permit**

The permittee shall comply with all applicable CAIR requirements (9 VAC 5-140-1010 *et seq.*, 9 VAC 5-140-2010 *et seq.*, 9 VAC 5-140-3010 *et seq.*, 9 VAC 5-140-5010 *et seq.*, and 40 CFR Part 96) by the compliance date in the respective Part of 9 VAC 5 Chapter 140, as contained in the CAIR Permit. The CAIR Permit is attached to this document and expires upon expiration of this Article 3 permit.  
(9 VAC 5-80-490, 40 CFR Part 96, and 9 VAC 5 Chapter 140)

# CAIR Permit Application

(for sources covered under a CAIR SIP)

Page 1

For more information, refer to 40 CFR 96.121, 96.122, 96.221, 96.222, 96.321, and 96.322

This submission is: ☒ New ☐ Revised

**STEP 1**  
Identify the source by plant name, State, and ORIS or facility code

<b>Tenaska Virginia Generating Station VA</b>	<b>55439</b>
Plant Name	ORIS/Facility Code

**STEP 2**  
Enter the unit ID# for each CAIR unit and indicate to which CAIR programs each unit is subject (by placing an "X" in the column)

Unit ID#	NO <sub>x</sub> Annual	SO <sub>2</sub>	NO <sub>x</sub> Ozone Season
CTGDB1	X	X	X
CTGDB2	X	X	X
CTGDB3	X	X	X

**STEP 3**  
Read the standard requirements and the certification, enter the name of the CAIR designated representative, and sign and date

## Standard Requirements

### (a) Permit Requirements.

(1) The CAIR designated representative of each CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) required to have a title V operating permit and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) required to have a title V operating permit at the source shall:

(i) Submit to the permitting authority a complete CAIR permit application under §96.122, §96.222, and §96.322 (as applicable) in accordance with the deadlines specified in §96.121, §96.221, and §96.321 (as applicable); and

(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

(2) The owners and operators of each CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) required to have a title V operating permit and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) required to have a title V operating permit at the source shall have a CAIR permit issued by the permitting authority under subpart CC, CCC, and CCCC (as applicable) of 40 CFR part 96 for the source and operate the source and the unit in compliance with such CAIR permit.

(3) Except as provided in subpart II, III, and IIII (as applicable) of 40 CFR part 96, the owners and operators of a CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) that is not otherwise required to have a title V operating permit and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) that is not otherwise required to have a title V operating permit are not required to submit a CAIR permit application, and to have a CAIR permit, under subpart CC, CCC, and CCCC (as applicable) of 40 CFR part 96 for such CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) and such CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable).

**STEP 3,  
continued**

(b) Monitoring, reporting, and recordkeeping requirements.

(1) The owners and operators, and the CAIR designated representative, of each CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) at the source shall comply with the monitoring, reporting, and recordkeeping requirements of subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96.

(2) The emissions measurements recorded and reported in accordance with subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96 shall be used to determine compliance by each CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) with the CAIR NO<sub>x</sub> emissions limitation, CAIR SO<sub>2</sub> emissions limitation, and CAIR NO<sub>x</sub> Ozone Season emissions limitation (as applicable) under paragraph (c) of §96.106, §96.206, and §96.306 (as applicable).

(c) Nitrogen oxides emissions requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall hold, in the source's compliance account, CAIR NO<sub>x</sub> allowances available for compliance deductions for the control period under §96.154(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO<sub>x</sub> units at the source, as determined in accordance with subpart HH of 40 CFR part 96.

(2) A CAIR NO<sub>x</sub> unit shall be subject to the requirements under paragraph (c)(1) of §96.106 for the control period starting on the later of January 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §96.170(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR NO<sub>x</sub> allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.106, for a control period in a calendar year before the year for which the CAIR NO<sub>x</sub> allowance was allocated.

(4) CAIR NO<sub>x</sub> allowances shall be held in, deducted from, or transferred into or among CAIR NO<sub>x</sub> Allowance Tracking System accounts in accordance with subparts FF, GG, and II of 40 CFR part 96.

(5) A CAIR NO<sub>x</sub> allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO<sub>x</sub> Annual Trading Program. No provision of the CAIR NO<sub>x</sub> Annual Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.105 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR NO<sub>x</sub> allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EE, FF, GG, or II of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> allowance to or from a CAIR NO<sub>x</sub> source's compliance account is incorporated automatically in any CAIR permit of the source that includes the CAIR NO<sub>x</sub> unit.

Sulfur dioxide emission requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall hold, in the source's compliance account, a tonnage equivalent of CAIR SO<sub>2</sub> allowances available for compliance deductions for the control period under §96.254(a) and (b) not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO<sub>2</sub> units at the source, as determined in accordance with subpart HHH of 40 CFR part 96.

(2) A CAIR SO<sub>2</sub> unit shall be subject to the requirements under paragraph (c)(1) of §96.206 for the control period starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under §96.270(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR SO<sub>2</sub> allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.206, for a control period in a calendar year before the year for which the CAIR SO<sub>2</sub> allowance was allocated.

(4) CAIR SO<sub>2</sub> allowances shall be held in, deducted from, or transferred into or among CAIR SO<sub>2</sub> Allowance Tracking System accounts in accordance with subparts FFF, GGG, and III of 40 CFR part 96.

(5) A CAIR SO<sub>2</sub> allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO<sub>2</sub> Trading Program. No provision of the CAIR SO<sub>2</sub> Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.205 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR SO<sub>2</sub> allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart FFF, GGG, or III of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR SO<sub>2</sub> allowance to or from a CAIR SO<sub>2</sub> source's compliance account is incorporated automatically in any CAIR permit of the source that includes the CAIR SO<sub>2</sub> unit.

Nitrogen oxides ozone season emissions requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO<sub>x</sub> Ozone Season allowances available for compliance deductions for the control period under §96.354(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO<sub>x</sub> Ozone Season units at the source, as determined in accordance with subpart HHHH of 40 CFR part 96.

(2) A CAIR NO<sub>x</sub> Ozone Season unit shall be subject to the requirements under paragraph (c)(1) of §96.306 for the control period starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §96.370(b)(1), (2), (3) or (7) and for each control period thereafter.

(3) A CAIR NO<sub>x</sub> Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.306, for a control period in a calendar year before the year for which the CAIR NO<sub>x</sub> Ozone Season allowance was allocated.

(4) CAIR NO<sub>x</sub> Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO<sub>x</sub> Ozone Season Allowance Tracking System accounts in accordance with subparts FFFF, GGGG, and IIII of 40 CFR part 96.

(5) A CAIR NO<sub>x</sub> allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO<sub>x</sub> Ozone Season Trading Program. No provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.305 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR NO<sub>x</sub> allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EEEE, FFFF, GGGG, or IIII of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> Ozone Season allowance to or from a CAIR NO<sub>x</sub> Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

**STEP 3,  
continued**

**(d) Excess emissions requirements.**

If a CAIR NO<sub>x</sub> source emits nitrogen oxides during any control period in excess of the CAIR NO<sub>x</sub> emissions limitation, then:

(1) The owners and operators of the source and each CAIR NO<sub>x</sub> unit at the source shall surrender the CAIR NO<sub>x</sub> allowances required for deduction under §96.154(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

If a CAIR SO<sub>2</sub> source emits sulfur dioxide during any control period in excess of the CAIR SO<sub>2</sub> emissions limitation, then:

(1) The owners and operators of the source and each CAIR SO<sub>2</sub> unit at the source shall surrender the CAIR SO<sub>2</sub> allowances required for deduction under §96.254(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

If a CAIR NO<sub>x</sub> Ozone Season source emits nitrogen oxides during any control period in excess of the CAIR NO<sub>x</sub> Ozone Season emissions limitation, then:

(1) The owners and operators of the source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall surrender the CAIR NO<sub>x</sub> Ozone Season allowances required for deduction under §96.354(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

**(e) Recordkeeping and Reporting Requirements.**

(1) Unless otherwise provided, the owners and operators of the CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the permitting authority or the Administrator.

(i) The certificate of representation under §96.113, §96.213, and §96.313 (as applicable) for the CAIR designated representative for the source and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under §96.113, §96.213, and §96.313 (as applicable) changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96, provided that to the extent that subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96 provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable).

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable) or to demonstrate compliance with the requirements of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable).

(2) The CAIR designated representative of a CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) at the source shall submit the reports required under the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable) including those under subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96.

**(f) Liability.**

(1) Each CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) and each NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) shall meet the requirements of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable).

(2) Any provision of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable) that applies to a CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) or the CAIR designated representative of a CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) shall also apply to the owners and operators of such source and of the CAIR NO<sub>x</sub> units, CAIR SO<sub>2</sub> units, and CAIR NO<sub>x</sub> Ozone Season units (as applicable) at the source.

(3) Any provision of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable) that applies to a CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) or the CAIR designated representative of a CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) shall also apply to the owners and operators of such unit.

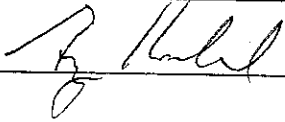
STEP 3,  
continued

(g) Effect on Other Authorities

No provision of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable), a CAIR permit application, a CAIR permit, or an exemption under § 96.105, §96.205, and §96.305 (as applicable) shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) or CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

**Certification**

I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	Greg Kunkel, Vice President	
Signature		Date 5/31/2007